

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services-Irrigation & CAD Department – Issuing of service certificates to the daily wage labourers engaged by the contractor for executing Government work – Disciplinary action Sri B. Mohan, Executive Engineer (Retd.) - Departmental proceedings under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 - Articles of charges - Issued

IRRIGATION & CAD (SERVICES.X-1) DEPARTMENT

G.O.Rt.No. 1226

Dated: 25 .07.2009

Read the following :

1. G.O.Rt.No. 1223 ,I & CAD (Ser.X.1) Dept., dt. 25.07.2009

O R D E R:

In pursuance of the sanction accorded by the Government under sub-clause (i) of clause (b) of sub-rule 2 of Rule 9 of the Revised Pension Rules, 1980 for instituting departmental proceedings against Sri B. Mohan, Executive Engineer (Retd.) in the Government order read above, it is proposed to hold an enquiry against the said Sri B. Mohan, Executive Engineer (Retd.) in accordance with the procedure laid down in rule 20 of A.P.C.S. (CC & A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of charges (Annexure-I). A statement of imputations of misconduct and misbehavior in support of each article of charge (Annexure-II), a list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure. III & IV).

3. Sri B. Mohan, Executive Engineer (Retd.) is directed to submit his Written Statement of defense within (10) days of the receipt of this order and also state whether he desires to be heard in person.

4. Sri B. Mohan, Executive Engineer (Retd.) is informed that an enquiry will be held only in respect of those articles of charges which is not specifically admitted herein. He should therefore specifically admit or deny each article of charge. He is further informed that adequate opportunity for perusal of records will be made available during the course of inquiry.

5. Sri B. Mohan, Executive Engineer (Retd.) is further informed that if he does not submit his Written Statement of Defense on or before the stipulated time, or does not appear in person before the disciplinary authority or otherwise fails to refuses to comply with the provisions of Rule 20 of the A.P.C.S. (CC & A) Rules, 1991, or the orders/directions issued in pursuance of said rules, the inquiry authority may hold inquiry against him ex-parte.

6. The receipt of this order should be acknowledged

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER

PRINCIPAL SECRETARY TO GOVERNMENT

To

**Sri B. Mohan, Executive Engineer (Retd.)
through the Engineer-in-Chief (AW),
Irrigation & CAD Department, Hyderabad.
Copy to
The Engineer-in-Chief (AW),
Irrigation & CAD Department, Hyderabad.**

//FORWARDED: : BY ORDER//

SECTION OFFICER

ANNEXURE - I

ARTICLES OF CHARGES FRAMED AGAINST SRI B. MOHAN, EXECUTIVE ENGINEER(RETD)

Sri B. Mohan, Executive Engineer (Retd.) has committed misbehavior and misconduct in violation of Rule (3) of APCS (Conduct) Rules, 1964 as mentioned in the following articles of charges:-

Articles of Charge.:

That the said Sri B. Mohan, Executive Engineer while functioning as Dy.Executive Engineer in the Taliperu Dam works sub-divisionNo.1, Satyanarayanapuram, has issued service certificates to the daily wage labourers engaged by the contractors for executing Government works. He is competent to neither engage such labourer nor to issue a certificate to that effect. Moreover in view of the ban imposed by the government, G.O.Ms.No.143, dt. 16.3.1984, no work men can be engaged on NMR basis in the entire division. By issuing fraudulent certificate beyond his competency, the said Sri B. Mohan has connived with / facilitated the contractors' labourers to lay claim for regularization of their services, whereas the fact is that they were not at all engaged by the Government. Thus he has committed misbehavior and misconduct in violation of Rule (3) of APCS (Conduct) Rules, 1964.

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE – II

Statement of imputations in support of charges framed against Sri B. Mohan, Executive Engineer (Retd.)

Govt. in G.O.Ms.No.143, Irrigation Department, dt. 16.3.1994 banned recruitment of NMR or daily wage labourers. As such there were no appointments of labourers thereafter in the entire irrigation department. In spite of the above position Sri L. Sambasiva Reddy issued service certificates to 22 workers engaged through the contractors with specific details of Date of Birth, Qualification, date since working eligibility for the post, performance etc. to the Division Office through Sri B. Mohan DEE, to consider regularization of their services as if they are in Govt. employment. Sri B. Mohan submitted the same to the Government without any verification and justification. Both the AEE and the DEE are not competent neither to engage / appoint, nor to issue certificate to that effect. by issuing fraudulent certificates beyond their competency they have either connived with / facilitated the contractors' labourers to lay claim for regularization of their services where as the fact is that they were not at all engaged by the Government any time what so ever. Thus the afore said officers have acted against Govt. interests and committed misbehavior and misconduct in violation of Rule (3) of APCS(Conduct) Rules, 1964

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ANNEXURE – III

List of documents:

1. Taliperu Project Sub-Division No.1 Lr.No.368/5200/SO, Dt. 24.8.1994
2. Statement showing the service particulars of 22 works of different cadres/ issued by Sri L. Samba Siva Reddy, the then AEE as on 30-6-1994.
3. Any other relevant record.

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

ANNEXURE – IV

List of Witnesses::

NIL

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT